

Serial No.: 10/672,621

Attorney Docket No.: 2003P08212US

REMARKS

Upon entry of the instant Amendment, Claims 1-14 and 16 are pending. Claim 15 has been canceled. Claims 7, 12, and 16 have been amended to more particularly point out Applicants' invention.

Claims 1-14 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Murray, U.S. Patent No. 6,484,033 ("Murray") in view of Coffee et al., U.S. patent No. 6,892,131 ("Coffee"). Applicants respectfully submit that the present invention is not taught, suggested, or implied by Murray or Coffee, either singly or in combination.

As discussed in the Specification, and in response to the previous Official Action, aspects of the present invention relate to a presence and availability system in which location and speed of a user device are taken into account via a one or more presence rules when determining the availability or presence status of the user. The presence status and availability may then be transmitted to registered or authorized users. In certain embodiments, a hysteresis may be provided such that a momentary change in user speed or position does not result in continuous toggling of status or context "updates."

Thus, claim 1 recites "wherein said speed is correlated with a hysteresis threshold to prevent a change in a context status based on momentary change in speed; and wherein a position is associated with a hysteresis threshold to prevent a change in context status based on a momentary change in position;" claim 7 has been amended to recite "wherein said position-presence correlation rules include one or more hysteresis thresholds to prevent changes in status based on a momentary change of rule status, said one or more hysteresis thresholds including one or more speed based hysteresis thresholds;" claim 12 has been amended to recite "wherein said cellular telephone controller is adapted to transmit a position update upon said change of speed if said change of speed is correlated with a predefined position-presence correlation rule with a speed-based hysteresis threshold so as to prevent a change in a context status based on momentary change in speed;" claim 13 recites "wherein said speed is correlated with a hysteresis threshold to prevent a change in a context status based on momentary change

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in speed;" and claim 16 has been amended to recite "wherein one or more location-status speed-based hysteresis thresholds are maintained to prevent a change in a context status based on momentary change in predetermined status."

As acknowledged in the Official Action, Murray does not relate to hysteresis threshold. Instead, Coffee is relied upon to provide such teaching. Coffee, however, relates to a vehicular fleet management system and does not appear to relate, inter alia, to a speed-based hysteresis for reporting context changes, as generally recited in the claims at issue.

Indeed, a word search of the term "hysteresis" in Coffee reveals that it occurs exactly twice. In the first, at Col. 75, lines 57-61, Coffee recites "When a tracker is installed in a vehicle and sensors are connected to its inputs, the configuration application activates the tracker by sending it a command for the attached inputs which identifies the thresholds and hysteresis on triggering an event on the input." No mention is made of speed-based hysteresis, as generally recited in the claims at issue.

In the second occurrence, at Col. 79, lines 43-46, Coffee states that "[h]ysteresis is placed on the zone boundary crossing so that a truck driving along the edge of the zone does not cause multiple arrive-leave plant sequences." Again, this mentions nothing at all about the vehicle's speed, as generally recited in the claims at issue.

Furthermore, applicants note that, when Coffee does mention speed, it is associated with an absolute threshold not hysteresis. At Col. 80, 55-58, Coffee states that "arrive plant (311) is detected when the truck enters a rectangle that defines a plant location and the speed is less than 15 miles per hour (337)." Thus, if anything, Coffee is representative of problems solved by embodiments of the present invention, which apply a speed-based hysteresis.

Further, as discussed in response to the previous Official Action, Murray does not appear to relate to a presence system of the type claimed. Rather than multiple registered users being able to obtain presence information via registering a watcher list, in Murray, another user is telephoned if a device is determined not to be able to return to an available conference site in time for the conference. Status, however, is not distributed among multiple users as in a presence system, as generally recited in the

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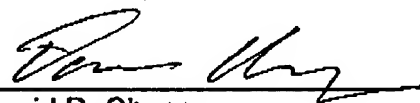
claims at issue.

Because the references, when combined, do not provide for presence and hysteresis (particularly on presence status updates), the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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